

Certificate of Notice Page 1 of 3
United States Bankruptcy Court
Eastern District of Pennsylvania

In re:
Lynn S. Poindexter
Debtor

Case No. 18-11548-mdc
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0313-2

User: Virginia
Form ID: pdf900

Page 1 of 1
Total Noticed: 1

Date Rcvd: Jul 22, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 24, 2019.

db +Lynn S. Poindexter, 1538 West York Street, Philadelphia, PA 19132-4455

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 24, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 22, 2019 at the address(es) listed below:

CHRISTIAN A. DICICCO on behalf of Debtor Lynn S. Poindexter
cdicicco@myphillybankruptcyllawyer.com, christianadicicco@gmail.com;r57075@notify.bestcase.com
JEROME B. BLANK on behalf of Creditor HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE ET. AL.
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JEROME B. BLANK on behalf of Creditor HSBC BANK USA, National Association as Trustee in Trust
for Citigroup Mortgage Loan Trust Inc., Asset Backed Pass Through Certificates Series 2003-HE3
paeb@fedphe.com
MARIO J. HANYON on behalf of Creditor HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE ET. AL.
paeb@fedphe.com
REBECCA ANN SOLARZ on behalf of Creditor Toyota Motor Credit Corporation
bkgroup@kmlawgroup.com
United States Trustee USTPRegion03.PH.ECF@usdoj.gov
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TOTAL: 7

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

In re: : Chapter 13
Lynn S. Poindexter, :
Debtor. : Bankruptcy No. 18-11548-MDC

ORDER

AND NOW, pursuant to the Application for Compensation and Reimbursement of Expenses (the “Application”)¹ filed by Christian A. DiCicco (the “Applicant”), counsel to Lynn S. Poindexter (the “Debtor”), the Applicant requests the allowance of compensation in the amount of \$5,000.00.

AND, the Applicant was previously paid \$212.00 by the Debtor (the “Pre-Paid Amount”).

AND, on June 20, 2019, the Court entered an Order (the “Confirmation Order”)² confirming the Debtor’s First Amended Chapter 13 Plan (the “Plan”).³

AND, the Plan provides that the Applicant will be paid \$3,788.00.

AND, the Court of Appeals has held that the bankruptcy court “has a duty to review fee applications, notwithstanding the absence of objections by the United States Trustee . . . , creditors, or any other interested party, a duty which . . . derives from the court’s inherent obligation to monitor the debtor’s estate and to serve the public interest.” *In re Busy Beaver Bldg. Centers, Inc.*, 19 F.3d 833, 841 (3d Cir. 1994) (emphasis in original).

AND, a confirmation order precludes the relitigation of any issues that were determined by the confirmation order. *In re Szostek*, 886 F.2d 1405, 1408-09 (3d Cir. 1989); *In re McDuffie*, Bky. No. 03-65333, 2005 WL 3108234, *1 (Bankr. D. Md. Feb. 22, 2005) (“since no amendment to the plan was filed to increase the specific amount to be paid to counsel, the court cannot order payment through the plan as an administrative expense.”); *In re Lasica*, 294 B.R. 718, 722 (Bankr. N.D. Ill. 2003) (denying fee request

¹ Bankr. Docket No. 30.

² Bankr. Docket No. 57.

³ Bankr. Docket No. 34.

because applicant was bound by terms of previously confirmed Chapter 13 plan); *In re Young*, 285 B.R. 168, 174-75 (Bankr. D. Md. 2002) (“the confirmation of the plan, in which a specific amount of disbursement to counsel for the debtor as attorney’s fees was required, acted as a final adjudication of the matters set forth in the plan.”).

AND, it appearing that the amount of compensation the Applicant seeks by the Application exceeds the amount authorized pursuant to the Confirmation Order and Plan by \$1,000.00 (the “Excess Compensation Request”).

It is hereby **ORDERED** that:

1. The Application is **GRANTED IN PART** and **DENIED IN PART**.
2. Consistent with the Confirmation Order, compensation is allowed in favor of the Applicant in the total amount of \$4,000.00 (the “Allowed Compensation”). *See* L.B.R. 2016-1(f) (governing procedure for disposition of fee applications without a hearing).
3. The Trustee is authorized to distribute to the Applicant the Allowed Compensation less the Pre-Paid Amount as an administrative expense pursuant to 11 U.S.C. §§330, 331, 503(b).
4. The Excess Compensation Request in the amount of \$1,000.00 is **DENIED** as inconsistent with the Confirmation Order and the Plan.

Dated: July 22, 2019



MAGDELINE D. COLEMAN
CHIEF UNITED STATES BANKRUPTCY JUDGE

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